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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,355	01/18/2002	Gamecelah Ghafoor	9457.00	9272
26884	7590	09/15/2011		
PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 3097 SATELLITE BLVD., 2nd FLOOR DULUTH, GA 30096			EXAMINER CHENCINSKI, SIEGFRIED E	
			ART UNIT 3695	PAPER NUMBER
			NOTIFICATION DATE 09/15/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOMail.Law@ncr.com

Office Action Summary

Application No.

10/051,355

Applicant(s)

GHAFOOR ET AL.

Examiner

SIEGFRIED E. CHENCINSKI

Art Unit

3695

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 & 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1-16 and 18-20 are pending.

Claims 1-16 and 18-20 are rejected under 35 USC 103(a), 112-2nd and 112-6th paragraphs.

Applicant has chosen not to respond to the examiner's invitation to call the examiner before responding to the office action mailed March 23, 2011.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1, 5, 6, 10, 11 and 12 are indefinite because it is unclear whether the structure for performing the claimed function is sufficient to perform the task. Dependent claims 2-4 and 13-15 are rejected because of their dependence on rejected claims 1 and 12.

The following is a quotation of the sixth paragraph of 35 U.S.C. 112:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

3. **Claims 1-15 are rejected under 35 U.S.C. 112, sixth paragraph.**

The claim limitation "a user interface including means for identifying an account of a user remote from the ATM from account identification information provided by another user at the ATM on behalf of the user remote from the ATM" in independent claims 1, 5, 6, 10, 11 and 12 uses the phrase "means for" or "step for", but it is modified by some

structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because “from account identification information provided by another user at the ATM on behalf of the user remote from the ATM” is insufficient structure for performing the claimed function. If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that the phrase “means for” or “step for” is clearly **not** modified by sufficient structure, material, or acts for performing the claimed function. Dependent claims 2-4 and 13-15 are rejected because of their dependence on rejected claims 1 and 12.

If applicant does **not** wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that it will clearly not be a means (or step) plus function limitation (*e.g.*, deleting the phrase “means for” or “step for”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-16 and 18-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Drummond et al. (US Patent 7,542,944, hereafter Drummond) in view of Sadler (US Patent 6,571,212 B1) and Foladare et al. (US Patent 5,914,472, hereafter Foladare).

As to claim 1, Drummond discloses an Automated Teller Machine, ATM (Fig. 13, ele. 540), comprising:

- a user interface including means for identifying an account of a user remote from the ATM from account identification information provided by another user at the ATM on behalf of the user remote from the ATM (Fig. 20-steps 700-716; Col. 20, line 55 to Col. 21, line 7);

Drummond does not explicitly disclose another user at the ATM on behalf of the user remote from the ATM. However, Sadler discloses an authorizing user remote from the transaction device (Abstract-I. 6; Fig's 1-4K; Col. 1, ll. 10-12; Col. 1, l. 67 – Col. 2, l. 1.). Further, Foladare discloses a system and method where another user located at the transaction location and device provides the identifying information of an account of a user remote from the ATM from account identification information (Abstract; Fig's 1-3; Col. 1, ll. 6-13; Col. 2, ll. 25-32).

The ordinary practitioner would have seen it as obvious to design a similar remote approval method and system to include a user interface including means for identifying an account of a user remote from the ATM from account identification information provided by another user at the ATM on behalf of the user remote from the ATM.

Drummond further discloses:

- means for obtaining contact information which enables the ATM to contact a communications device associated with the user (Fig. 13, ele. 550,542; Col. 17, line 48 to Col. 18, line 15, particularly Col. 17, lines 48-50. See also Fig. 22 and Col. 22, lines 3-35, particularly lines 18-21 and 25-27); and
- contact means for establishing a link with the communications device (Fig. 13, ele. 550; Col. 17, lines 57-60; Col. 18, lines 10-15).

"to allow a transaction to be executed using the communications device" is an intended use statement and thus carries low weight.

Therefore, the ordinary practitioner would have seen it as obvious to combine the disclosures of Drummond, Sadler and Foladare with his own knowledge to design a method and system for using an Automated Teller Machine, ATM, motivated by the desire to facilitate remote approval of transactions (Sadler, Col. 1, ll. 10-12).

As to claim 2, Drummond discloses the invention substantially as claimed. See the discussion of claim 1 above. While Drummond discloses that the user's communications devices can be a telephone (Col. 17, line 54) used for a transaction (Col 18, lines 10-15), Drummond does not specifically disclose that the contact information is a telephone number of the telephone. However, Foladare discloses the retrieval of a telephone number of a telephone used in an ATM transaction at paragraph (Fig's 2 & 3 – retrieval of telephone numbers is implicit; Col. 4, l. 58 – Col. 6, l. 33).

As to claim 3, Drummond discloses direction connection between the communications device and contact means at Fig. 13, direct link between elements 550 and 542.

As to claim 4, Drummond discloses a link between contact means, remote transceiver and communications device at Figs. 13 (path 542 --) 550 --) 548), Fig 16 and Col. 18, lines 40-46.

As to claim 5, the disclosures of Drummond, Sader and Foladare are cited in the rejections of claims 1-5 above.

Drummond discloses a host (Fig. 2, ele. 48).

Therefore, the ordinary practitioner would have seen it as obvious to combine the disclosures of Drummond, Sadler and Foladare with his own knowledge to design a method and system for using an Automated Teller Machine (ATM), motivated by the desire to facilitate remote approval of transactions (Sadler, Col. 1, ll. 10-12).

As to claim 6, the disclosures of Drummond, Sader and Foladare are cited in the rejections of claims 1-5 above. Drummond discloses:

- an automated teller machine (ATM) cash dispenser for dispensing cash (Fig. 13, ele. 541);

- means for controlling the cash dispenser to dispense cash when the entered ATM transaction requires cash to be dispensed (Col. 1, lines 51-57).

Therefore, the ordinary practitioner would have seen it as obvious to combine the disclosures of Drummond, Sadler and Foladare with his own knowledge to design a method and system for using an Automated Teller Machine (ATM), motivated by the desire to facilitate remote approval of transactions (Sadler, Col. 1, ll. 10-12).

As to claim 7, the disclosures of Drummond, Sader and Foladare are cited in the rejections of claims 1-6 above.

As to claim 8, see the discussion of claims 6 and 3.

As to claim 9, see the discussion of claims 6 and 4.

As to claim 10, the disclosures of Drummond, Sader and Foladare are cited in the rejections of claims 1-9 above.

Therefore, the ordinary practitioner would have seen it as obvious to combine the disclosures of Drummond, Sadler and Foladare with his own knowledge to design a method and system for using an Automated Teller Machine (ATM), motivated by the desire to facilitate remote approval of transactions (Sadler, Col. 1, ll. 10-12).

As to claim 11, the disclosures of Drummond, Sader and Foladare are cited in the rejections of claims 1-10 above.

Therefore, the ordinary practitioner would have seen it as obvious to combine the disclosures of Drummond, Sadler and Foladare with his own knowledge to design a method and system for using an Automated Teller Machine (ATM), motivated by the desire to facilitate remote approval of transactions (Sadler, Col. 1, ll. 10-12).

As to claim 12, it is the method form of Claim 1 and is rejected in a similar manner.

As to claim 13, see the discussion of claims 12 and 2.

As to claim 14, see the discussion of claims 12 and 3.

As to claim 15, see the discussion of claims 12 and 4.

As to claim 16, the disclosures of Drummond, Sader and Foladare are cited in the rejections of claims 1-10 above. Therefore, the ordinary practitioner would have seen it as obvious to combine the disclosures of Drummond, Sadler and Foladare with his own knowledge to design a method and system for using an Automated Teller Machine

(ATM), motivated by the desire to facilitate remote approval of transactions (Sadler, Col. 1, ll. 10-12).

As to claims 18 and 19, see the discussion of claims 16, and 3 and 4.

As to claim 20, the disclosures of Drummond, Sader and Foladare are cited in the rejections of claims 1-10 above. Drummond discloses the use of PIN numbers in Col. 9, l. 25).

Response to Arguments

5. Applicant's arguments with respect to claims 1-16 and 18-20 received June 23, 2011 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

* Outwater US PreGrant Application 200710174080 A1.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 571-272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Kyle, can be reached on 571-272-6746:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for , published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). The following is a LINK to PRIVATE PAIR- <https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231
or faxed to:

(571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or

(571) 273-6792

[Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

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/CHARLES KYLE/

Supervisory Patent Examiner, Art Unit 3695